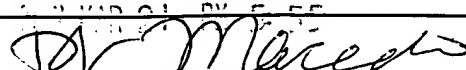


SEP & REF  
# 307

| CERTIFICATE OF MAILING                                                                                                                                                                                          |                                                                                   |      |        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|------|--------|
| I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231. |                                                                                   |      |        |
| Typed or Printed Name                                                                                                                                                                                           | Donna Macedo                                                                      |      |        |
| Signature                                                                                                                                                                                                       |  | Date | 3/5/02 |

| REQUEST FOR REFUND                                                              |                      |                    |
|---------------------------------------------------------------------------------|----------------------|--------------------|
| Address to:<br><br>Assistant Commissioner for Patents<br>Washington, D.C. 20231 | Application Number   | 09/582,964         |
|                                                                                 | Confirmation Number  | 4643               |
|                                                                                 | Filing Date          | July 6, 2000       |
|                                                                                 | First Named Inventor | Hoffman, et al.    |
|                                                                                 | Examiner             | Russell S. Travers |
|                                                                                 | Group Art Unit.      | 1617               |
| Attorney Docket                                                                 | THUR-001             |                    |

Sir:

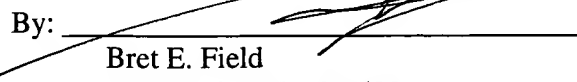
This is a request for a refund for the filing fee and claim fees of \$412.00 which the Commissioner was authorized to charge to our Deposit Account No. 50-0815 with the Continued Prosecution Application (CPA) Request Transmittal mailed October 25, 2001 in the above-identified application. A copy of the monthly statement in which the charge appears is included with this request.

This refund is being requested per the Notice of Improper Request for Continued Examination (RCE) received from the U.S Patent and Trademark Office on March 4, 2002 (copy attached).

Please deposit the refund in the amount of \$412.00 into Deposit Account No. 50-0815.

Respectfully submitted,  
BOZICEVIC, FIELD & FRANCIS LLP

Date: 3.5.02

By:   
Bret E. Field  
Registration No. 37,620

BOZICEVIC, FIELD & FRANCIS LLP  
200 Middlefield Road, Suite 200  
Menlo Park, CA 94025  
Telephone: (650) 327-3400  
Facsimile: (650) 327-3231  
F:\Req for refund\THUR\001



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

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Washington, D.C. 20231

MONTHLY STATEMENT  
OF DEPOSIT ACCOUNT

To replenish your Deposit Account, detach and  
return top portion with your check. Make check  
payable to Commissioner of Patents & Trademarks.

|             |          |
|-------------|----------|
| Account No. | 500815   |
| Date        | 12-31-01 |
| Page        | 1        |

BOZICEVIC, FIELD & FRANCIS, LLP  
ACCOUNTING  
200 MIDDLEFIELD ROAD  
SUITE 200  
MERIO PARK CA 94025

FINA

PLEASE SEND REMITTANCES TO:  
Patent and Trademark Office  
P.O. Box 70541  
Chicago, Ill. 60673

| DATE POSTED |     |     | CONTROL<br>NO. | DESCRIPTION<br>(Serial, Patent, TM, Order) | DOCKET NO.   | FEE<br>CODE | CHARGES/<br>CREDITS | BALANCE   |
|-------------|-----|-----|----------------|--------------------------------------------|--------------|-------------|---------------------|-----------|
| MO.         | DAY | YR. |                |                                            |              |             |                     |           |
| 12          | 3   | 01  | 1              | 09967854                                   | KINE001DIV2  | 201         | 355.00              | 301666.00 |
| 12          | 3   | 01  | 7              | PAYMENT                                    |              | 701         | -2249.00            | 303915.00 |
| 12          | 3   | 01  | 28             | 09996631                                   | LIFE031      | 101         | 740.00              | 303175.00 |
| 12          | 3   | 01  | 29             | 09996631                                   | LIFE031      | 103         | 18.00               | 303157.00 |
| 12          | 3   | 01  | 30             | PAYMENT                                    |              | 701         | -2264.00            | 305421.00 |
| 12          | 3   | 01  | 31             | PAYMENT                                    |              | 701         | -37000.00           | 342421.00 |
| 12          | 3   | 01  | 167            | 76332083                                   | SEEK T001    | 361         | 325.00              | 342096.00 |
| 12          | 3   | 01  | 168            | 76332084                                   | SEEK T002    | 361         | 325.00              | 341771.00 |
| 12          | 3   | 01  | 169            | 76332442                                   | SEEK T003    | 361         | 325.00              | 341446.00 |
| 12          | 3   | 01  | 170            | 76332443                                   | SEEK T004    | 361         | 325.00              | 341121.00 |
| 12          | 4   | 01  | 15             | PAYMENT                                    |              | 701         | -2661.00            | 343782.00 |
| 12          | 4   | 01  | 82             | 09998250                                   | KINE001CIP5  | 201         | 370.00              | 343412.00 |
| 12          | 4   | 01  | 277            | PCT/US01/16284                             | DOSH-001WO   | 190         | 490.00              | 342922.00 |
| 12          | 4   | 01  | 278            | PCT/US01/16284                             | DOSH-001WO   | 803         | 137.00              | 342785.00 |
| 12          | 4   | 01  | 668            | PCT/US01/15832                             | UCAL-083WO3  | 190         | 490.00              | 342295.00 |
| 12          | 4   | 01  | 669            | PCT/US01/15832                             | UCAL-083WO3  | 803         | 137.00              | 342158.00 |
| 12          | 4   | 01  | 670            | PCT/US01/14508                             | UCAL-168WO   | 190         | 490.00              | 341668.00 |
| 12          | 4   | 01  | 671            | PCT/US01/14508                             | UCAL-168WO   | 803         | 137.00              | 341531.00 |
| 12          | 5   | 01  | 2              | 09369635                                   | ABJT-003CON2 | 116         | 400.00              | 341131.00 |
| 12          | 5   | 01  | 39             | PAYMENT                                    |              | 701         | -890.00             | 342021.00 |
| 12          | 5   | 01  | 40             | PAYMENT                                    |              | 701         | -47000.00           | 389021.00 |
| 12          | 5   | 01  | 64             | 60334973                                   | AGYT001PRV   | 214         | 80.00               | 388941.00 |
| 12          | 5   | 01  | 71             | 60334978                                   | AGYT003PRV   | 214         | 80.00               | 388861.00 |
| 12          | 5   | 01  | 77             | 09582964                                   | THUR-001     | 231         | 370.00              | 388491.00 |
| 12          | 5   | 01  | 78             | 09582964                                   | THUR-001     | 202         | 42.00               | 388449.00 |
| 12          | 5   | 01  | 78             | 60334985                                   | AGYT004PRV   | 214         | 80.00               | 388369.00 |
| 12          | 5   | 01  | 83             | 60334621                                   | VENGO03PRV   | 214         | 80.00               | 388289.00 |
| 12          | 5   | 01  | 114            | 60335077                                   | STAN248PRV   | 214         | 80.00               | 388209.00 |
| 12          | 5   | 01  | 156            | 60334701                                   | STAN252PRV   | 214         | 80.00               | 388129.00 |
| 12          | 6   | 01  | 4              | 09582337                                   | SHIM-006     | 117         | 920.00              | 387209.00 |
| 12          | 6   | 01  | 11             | 08589153                                   | 07327/009001 | 179         | 740.00              | 386469.00 |
| 12          | 6   | 01  | 12             | 08589153                                   | 07327/009001 | 116         | 400.00              | 386069.00 |
| 12          | 6   | 01  | 22             | 09997315                                   | LIFE039      | 581         | 40.00               | 386029.00 |
| 12          | 6   | 01  | 23             | 09996631                                   | LIFE031      | 581         | 40.00               | 385989.00 |
| 12          | 6   | 01  | 40             | 60335265                                   |              | 214         | 80.00               | 385909.00 |
| 12          | 6   | 01  | 78             | 60335244                                   | UCLA004PRV   | 214         | 80.00               | 385829.00 |

OPENING BALANCE

TOTAL CHARGES

TOTAL CREDITS

CLOSING BALANCE

AN AMOUNT SUFFICIENT TO  
COVER ALL SERVICES REQUESTED  
MUST ALWAYS BE ON DEPOSIT.



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/582,964      | 07/06/2000  | KEITH B HOFFMAN      | THUR-001            | 4643             |

7590 02/26/2002  
BOZICEVIC FIELD & FRANCIS  
200 MIDDLEFIELD ROAD  
SUITE 200  
MENLO PARK, CA 94025

EXAMINER

TRAVERS, RUSSELL S

ART UNIT PAPER NUMBER

1617

DATE MAILED: 02/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

DTM  
B&F

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MAR 04 2002

Bozicevic, Field & Francis

Ⓢ 03/04/02  
DOCKETED

RS (4 mos. ext) 03/04/02  
L.D. 04/04/02



APPLICATION NUMBER

FILING DATE

FIRST NAMED APPLICANT

ATTY. DOCKET NO./TITLE



DATE MAILED:

**NOTICE OF IMPROPER REQUEST FOR CONTINUED EXAMINATION (RCE)**

The request for continued examination (RCE) under 37 CFR 1.114 filed on \_\_\_\_\_ is  
improper for reason(s) indicated below:

- ☐ 1. Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
- ☐ 2. Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
- ☒ 3. Continued examination under 37 CFR 1.114 does not apply to an application unless prosecution in the application is closed. If the RCE was accompanied by a reply to a non-final Office action, the reply will be entered and considered under 37 CFR 1.111. If the RCE was not accompanied by a reply, the time period set forth in the last Office action continues to run from the mailing date of that action.
- ☐ 4. The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
- ☐ 5. The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on \_\_\_\_\_. Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
- ☐ 6. The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.
- ☐ 7. The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.

**Note:** If a request for a continued prosecution application (CPA) under 37 CFR 1.53(d) has been filed in the utility or plant application (including a previously filed CPA) that was filed on or after May 29, 2000, the request for a CPA has been treated as a RCE because the CPA practice no longer applies to such application. The constructive RCE, however, is improper for reason(s) indicated above.

**A copy of this notice MUST be returned with any reply.**

Direct the reply and any questions about this notice to:

*Rozanne Harmon*

Examining Group \_\_\_\_\_

(703) 308-2282  
FORM PTO-2051 (Rev. 3/2001)